

ESTTA Tracking number: **ESTTA419011**

Filing date: **07/11/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

|                                       |  |
|---------------------------------------|--|
| Name                                  | Annabelle Noel Designs LLC   |
| Granted to Date of previous extension | 07/10/2011   |
| Address                               | 1111 Godfrey Ave SWSuite 12B<br>Grand Rapids, MI 49503<br>UNITED STATES  |
| Attorney information                  | Carol N. Skinner<br>Skinner and Associates<br>212 Commercial Street<br>Hudson, WI 54016<br>UNITED STATES<br>cskinner@skinnerlaw.com, jmontgomery@skinnerlaw.com Phone:715-386-5800 |

### Applicant Information

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No         | 85096629   | Publication date       | 01/11/2011 |
| Opposition Filing Date | 07/11/2011   | Opposition Period Ends | 07/10/2011 |
| Applicant              | Kimsaprincess Inc.<br>c/o Boulevard Management 21731 Ventura Boulevard, Suite 300<br>Woodland Hills, CA 91364<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

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|--|
| Class 014.<br>All goods and services in the class are opposed, namely: Jewelry |
|--|

### Grounds for Opposition

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

### Mark Cited by Opposer as Basis for Opposition

|                                   |  |                  |      |
|-----------------------------------|--|------------------|------|
| U.S. Application/Registration No. | NONE   | Application Date | NONE |
| Registration Date                 | NONE   |                  |      |
| Word Mark                         | BELLE NOEL   |                  |      |
| Goods/Services                    | on-line sales of jewelry, flower arrangers, and cards. |                  |      |

|             |   |
|-------------|---|
| Attachments | Notice of Opposition.pdf ( 3 pages )(178307 bytes ) |
|-------------|---|

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

|           |                    |
|-----------|--------------------|
| Signature | /Carol N. Skinner/ |
| Name      | Carol N. Skinner   |
| Date      | 07/11/2011         |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/096,629  
Published in the *Official Gazette* on January 11, 2011

Annabelle Noel Designs, LLC  
Opposer,

v.

Kimsaprincess Inc..  
Applicant.

Opposition No.: \_\_\_\_\_

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BOX TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

This opposition is filed pursuant to 37 CFR 2.101. Annabelle Noel Designs, LLC (“Opposer” or “Annabelle Noel Designs”) is a Michigan limited liability company with offices at 1111 Godfrey Ave. SW, Suite 12B, Grand Rapids, MI 49503. Annabelle Noel Designs opposes the registration of Application Serial No. 85/096,629, published in the *Official Gazette* on January 11, 2011, believing that it will be damaged by the registration of this mark. Opposer requested and was granted Extensions of Time to Oppose on January 11, 2011, and May 11, 2011.

As ground for this opposition, Opposer alleges the following:

1. Annabelle Noel Designs, owned by Anne Cork, has been using the trademark BELLE NOEL in association with on-line sales of jewelry, flower arrangers, and cards, in interstate commerce since 2006.

2. Upon information and belief, Kim Kardashian is the president of Applicant (hereafter "Kardashian").

3. Applicant has filed an application seeking to register the mark BELLE NOEL as a trademark for jewelry, in International Class 14, Serial No. 85/096629.

4. Applicant filed the application as an "Intent to Use" application; its first use date has not been disclosed, but is presumed to be post filing date.

5. Upon information and belief, Opposer has been the exclusive user of the mark BELLE NOEL, until Applicant began using the mark in approximately December, 2010.

6. Opposer owns various URLs containing the mark BELLE NOEL, and has been readily visible on the worldwide web as user of this mark for many years, such that Opposer believes Applicant was aware of its use of its trademark, or had constructive knowledge of same.

7. Immediately following Applicant's first use of the BELLE NOEL mark, and continuing thereafter, Opposer's bellenoel.com website has been inundated with hits for Applicant, rather than for Opposer.

8. Opposer believes that if Applicant is permitted to register the subject mark, which is the exact same mark as Opposer's mark, for the same or similar goods, there is a substantial likelihood of confusion among members of the public, including purchasers of the parties' goods, causing the public to believe that the goods sold under Applicant's mark have a common source of origin with Opposer's goods, and/or that there is an affiliation or sponsorship between the parties, which is not the case.

**WHEREFORE**, Opposer prays that application Serial No. 85/096,629 be rejected, that this Opposition be sustained in favor of Opposer, and that registration of the mark sought for the goods therein specified in International Class 14, be refused.

Respectfully submitted this 11th day of July 2011.

A handwritten signature in cursive script, appearing to read "Carol N. Skinner", is written over a horizontal line.

Carol N. Skinner  
Skinner and Associates  
Attorneys for Opposer  
212 Commercial Street  
Hudson, WI 54016  
Tel.: (715) 386-5800  
FAX: (715) 386-6177